

HOUSE BILL 989

By Campfield

AN ACT to amend Tennessee Code Annotated, Title 49,
Chapter 5, relative to education personnel.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 5, is amended by adding
Sections 2 through 7 as a new part thereto.

SECTION 2.

(a) Each LEA shall collect the following information and provide it to the department of
education in order for the department to create individual profiles on teachers and
administrators, in a format created by the department that shall be available for dissemination to
the public:

(1) A description of any criminal convictions for felonies and, as
determined by the LEA, serious misdemeanors, within the most recent ten (10)
years. For the purposes of this subsection (a), a person shall be deemed to be
convicted of a crime if such person was found or adjudged guilty by a court of
competent jurisdiction. Misdemeanor convictions later expunged by a court of
competent jurisdiction shall be stricken from the teacher's or administrator's
profile;

(2) A description of any final school board disciplinary actions within the
most recent ten (10) years, which actions shall include final board action as
defined by § 4-5-314, and reprimand action taken pursuant thereto;

(3) A description of any final disciplinary actions of school boards in other
states within the most recent ten (10) years; and

(4) (A) All court judgments and arbitration awards in which a payment is
awarded to a complaining party and all settlements of professional malfeasance

claims in which a payment is made to a complaining party beginning with reports for 2007 and each subsequent year; provided, such reports shall not be disseminated beyond the most recent ten-year period, but shall include the most recent ten-year period for which reports have been filed. The department shall set by rule adopted pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, a threshold amount below which judgments or settlements shall not be reportable; provided, such amount shall not be less than ten thousand dollars (\$10,000). Information concerning the existence of a court-sealed settlement shall be reported in cases involving such a settlement. Information concerning all settlements shall be accompanied by the following statement: "Settlement of a claim may occur for a variety of reasons which do not necessarily reflect negatively on the professional competence or conduct of the teacher or administrator. A payment in settlement of an action or claim should not be construed as creating a presumption that professional malfeasance has occurred." Nothing in this subdivision (a)(4) shall be construed to limit or prevent the department from providing further explanatory information regarding the significance of categories in which settlements are reported; and

(B) Pending claims shall not be disclosed by the department to the public.

(b) The department shall develop formats for dissemination of such information to the public, which, at a minimum shall include electronic media, including the Internet, and a toll-free telephone line.

SECTION 3. The department of education shall assess LEA's for the costs reasonably associated with providing the services and information pursuant to this part.

SECTION 4. Under the provisions of this part, the department of education only compiles information. The department shall not vouch for or assert the accuracy of any information it disseminates under this part. Before the department disseminates information to consumers under this part, the department shall permit each teacher or administrator, whose information is to be disseminated, the opportunity to review and correct any information the department proposes to disseminate. The department shall not be subject to any suit for damages concerning any information that the department disseminates that a teacher or administrator had the opportunity to correct, but did not.

SECTION 5. No provision of this part shall be construed as restricting the status of any record as a public record for the purposes of title 10, chapter 7.

SECTION 6.

(a) Each teacher or administrator must provide the information required by this part to be compiled into provider profiles by the department of education.

(b) Each person seeking licensure must provide the information required by this part before licensure will be granted.

(c) Each teacher or administrator who has submitted information pursuant to this part must update that information in writing by notifying the department within thirty (30) days after the occurrence of an event or the attainment of a status that is required to be reported.

(d) Failure by a teacher or administrator to comply with these requirements to submit information and to update information constitutes a ground for disciplinary action. For such failure to comply, the department or board may:

(1) Refuse to issue a license to any person applying for initial licensure as a teacher who fails to submit or update the required information; or

(2) Refuse to renew a license or certification to any teacher who fails to submit or update the required information.

SECTION 7. The commissioner of education is authorized to promulgate rules and regulations to effectuate the purposes of this chapter. All such rules and regulations shall be promulgated in accordance with the provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 8. For the purpose of promulgating rules and regulations, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect January 1, 2008, the public welfare requiring it.